

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 21280 of 2004

Between:

P. Venkatesulu S/o Appanna, Shop Dealer, N. Thimmapuram Village, Guntakal
Mandal, Ananthapur District

..... PETITIONER

AND

- 1 The Joint Collector, Ananthapur, Ananthapur District
- 2 The Revenue Divisional Officer, Ananthapur, Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring inaction of the 2nd respondent in not completing the enquiry and in not passing final orders in the pending disciplinary proceedings initiated against the petitioner in Rc. No. D1/Cs/907/2004 and in refusing to accept the documentary and oral evidence placed by the petitioner and in not supplying the copy of the report of the Mandal Revenue Officer, Guntakal, dated 9-7-2004 as illegal and arbitrary and consequently direct the 2nd respondent to complete the enquiry and pass orders in proceedings Rc. NO. D1/CS/907/2004 after accepting all documentary and oral evidence placed by the petitioner and after supplying the copy of the report of the MRO Guntakal, dated 9-7-2004.

Counsel for the Petitioner : MR.P.ROY REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

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Petitioner is a Fair Price Shop Dealer. On the basis of a report submitted by the Mandal Revenue Officer, Guntakal, the Revenue Divisional Officer issued a show cause notice to the petitioner directing him to show cause as to why the authorization shall not be suspended, on account of the charges contained in it. The petitioner submitted his explanation on 29.07.2004. On a consideration of the same, 2nd respondent issued proceedings, dated 06.08.2004, suspending the authorization. Petitioner filed an appeal before the 1st respondent aggrieved by the order of suspension. When no steps were taken therein, he filed Writ Petition No.14981 of 2004. The 1st respondent rejected the appeal, through order, dated 22.09.2004. Hence, this writ petition.

Learned counsel for the petitioner submits that the charges themselves are either irrelevant or frivolous and the 2nd respondent did not take the explanation offered by the petitioner into account. He further submits that though the proceedings relate to suspension, the 2nd respondent recorded findings to the effect that the petitioner committed irregularities. As to the order passed by the 1st respondent, learned counsel submits that except repeating the contentions and contents of the proceedings and making an observation that he does not find any reason to interfere with the order under appeal, he has not applied his mind at all.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the charges were based on the complaints made by the Card Holders, and the enquiry by the Mandal Revenue Officer, for the limited purpose of suspension of authorization, such material was sufficient.

Three charges were levelled against the petitioner. The first one relates to distribution of rice meant for 'food for work'. Under the second charge, the petitioner

was accused of selling the Kerosene at Rs.10/- and Sugar at Rs.14.50 ps, as against the stipulated prices of Rs.9.50 ps and 13.50 ps, respectively. The third charge relates to the omission to display the stock-cum-pricelist. Along with explanation, the petitioner submitted representation of the Villagers as well as Sarpanch that the distribution of rice and other commodities was undertaken by the petitioner properly and at the stipulated rates. The only observation made by the 2nd respondent, in relation to the representation of the Villagers and Sarpanch, was that the villagers stated in the enquiry before the Mandal Revenue Inspector, on an earlier occasion, in a different tone. The report of the Mandal Revenue Inspector was not made available to the petitioner. It is true that the enquiry, for the limited purpose of suspension, is not expected to be elaborate and meticulous. At the same time, it cannot be reduced to empty formality. The failure to display the pricelist cannot be said to be so vital a factor ordering suspension, for the reason that the commodities supplied to the dealer are so limited that they are disposed of within three days, and the prices are already notified.

There is no allegation that the petitioner has diverted the commodities to black market. The allegations against him cannot be said to be so serious, as warranting suspension. The very appointment of the petitioner is on the basis of his financial status and to provide livelihood.

Under these circumstances, this Court is of the view that the suspension was not warranted. If the 2nd respondent is of the view that proceedings are to be initiated against the petitioner, for cancellation of the dealership, he can certainly do so, duly following the procedure prescribed by law.

Hence, the writ petition is allowed and the order dated 06.08.2004, suspending the authorization of the petitioner is set aside, and the petitioner shall be entitled to continue as Fair Price Shop Dealer, till any final order is passed by the 2nd respondent, in accordance with law. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Date: 24th November, 2004

Note: Furnish copy in

Three days.

(B/o.)

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To

1 The Joint Collector, Ananthapur, Ananthapur District

2 The Revenue Divisional Officer, Ananthapur, Ananthapur District.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P.,
Hyderabad.(OUT)

4 Two C.D. copies.